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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 12, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 09MD-128
Maui

Amend Prior Board Action of October 14, 2010, Item D-16, Cancellation of Revocable Permit No.S-5117 and Issuance of a Grant of a Term Non Exclusive Easement to the Association of Apartment Owners of Lokelani (AOAO Lokelani) for Rubble Rock Revetment Purposes, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-3-006:065 (seaward).

BACKGROUND:

The Land Board at its meeting of October 14, 2010 (D-16) authorized the issuance of a 55 year, term, non-exclusive easement to AOAO Lokelani for Rubble Rock Revetment Purposes. The encroachment (rock revetment) is of 3064 square feet in size and currently encumbered by Revocable Permit No. S-5117. This permit was incepted on February 19, 1975.

REMARKS:

Recently, prior to submitting a request to the Attorney General's office for the preparation a new easement document on behalf of the AOAO Lokelani, staff conducted a review and it was discovered that the encroachment area is reclaimed (filled) land. A public notice is therefore required pursuant to Section 171-53(b), Hawaii Revised Statutes.

The October 14, 2010 approval did not include legal Reference of Section 171-53(b) of the Hawaii Revised Statutes. Only Section 171-13, Hawaii Revised Statutes was cited. Staff was not previously aware that the area was reclaimed (filled) land. After Land Board approval was obtained, the DAGS Survey Division reviewed and prepared a legal map and description, which determined the filled land.

This submittal is to add the correct legal reference.

EXHIBITS:

Exhibit A - DAGS survey map and description of the subject rubble rock revetment.
Exhibit B - Photos of revetment.

RECOMMENDATION: That the Board:

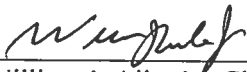
1. Amend its prior Board action of October 14, 2010, under agenda item (D-16) by adding to Legal Reference, Section 171-53(b), Hawaii Revised Statutes.
2. All terms and conditions listed in its October 14, 2010 approval to remain the same.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



STATE OF HAWAII
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

C.S.F. No. 25,058

March 22, 2011

NON-EXCLUSIVE REVETMENT EASEMENT

Mahinahina, Kaanapali, Lahaina, Maui, Hawaii

Being a portion of the Reclaimed (Filled) Land of Mahinahina.

Beginning at the southeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEKAA" being 11,622.28 feet North and 3678.88 feet East, thence running by azimuths measured clockwise from True South:-

- | | | |
|----|----------|---|
| 1. | 105° 03' | 5.60 feet along the remainder of the Reclaimed (Filled) Land of Mahinahina; |
| 2. | 187° 09' | 19.10 feet along the bottom of revetment; |
| 3. | 211° 43' | 185.13 feet along the bottom of revetment; |
| 4. | 211° 19' | 161.50 feet along the bottom of revetment; |
| 5. | 218° 35' | 23.17 feet along the bottom of revetment; |
| 6. | 305° 12' | 13.97 feet along bottom of revetment and along bottom of landing; |

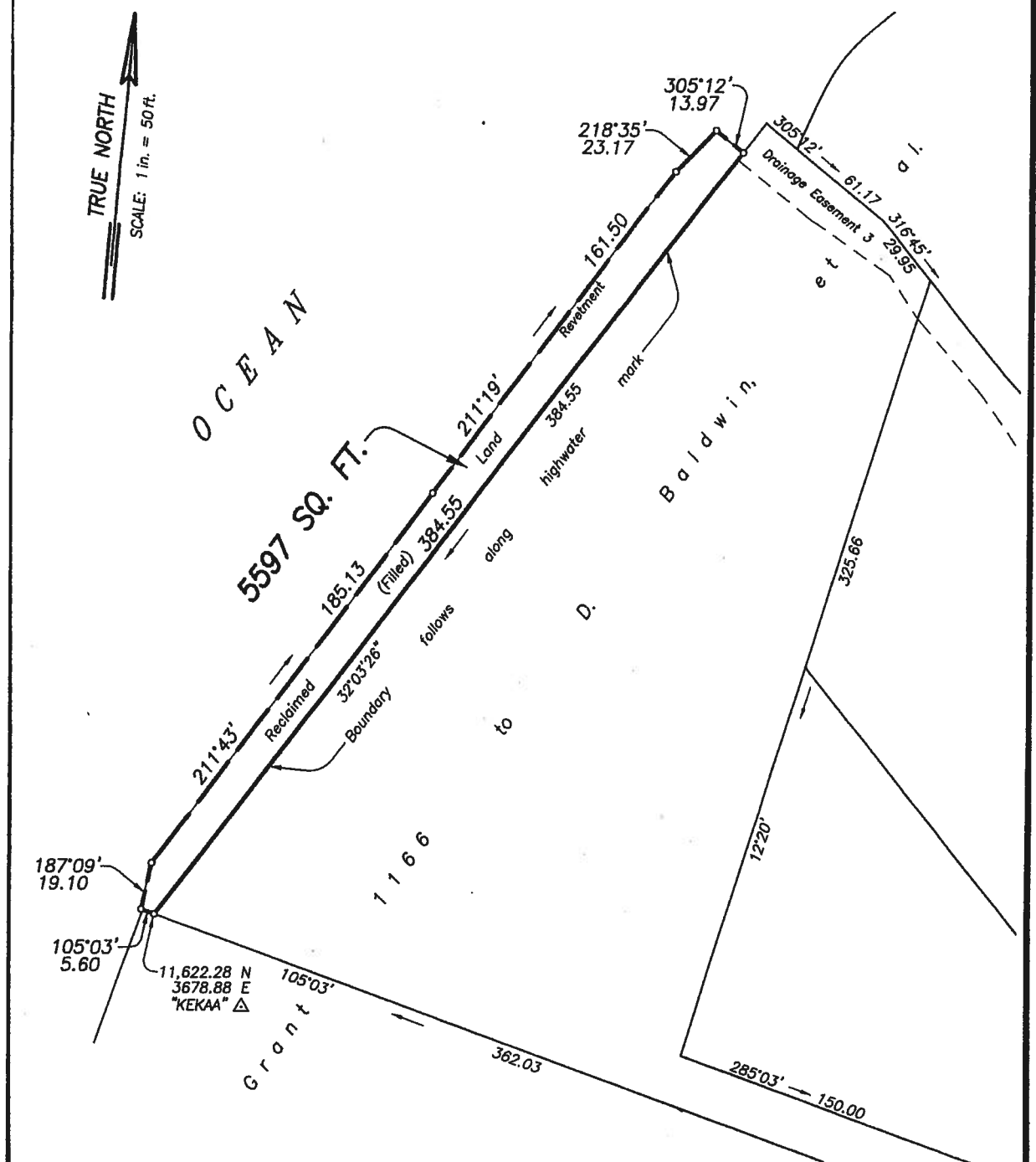
March 22, 2011

7. 32° 03' 26" 384.55 feet along highwater mark along Grant 1166 to D. Baldwin, et al. to the point of beginning and containing an AREA OF 5597 SQUARE FEET.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani
Glenn J. Kodani
Land Surveyor

Compiled from map and desc. furn.
by ControlPoint Surveying, Inc.
Said map and desc. have been examined
and checked as to form and mathematical
correctness but not on the ground by the
Survey Division.



NON-EXCLUSIVE REVETMENT EASEMENT

Mahinahina, Kaanapali, Lahaina, Maui, Hawaii

Scale: 1 inch = 50 feet

JOB Ma-064(11)
C. BK.

TAX MAP 4-3-06: 65

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

C.S.F. NO. 25,058

STATE OF HAWAII

DM March 22, 2011

Photos taken: 9/10/09

Lokelani A.O.A.O.,

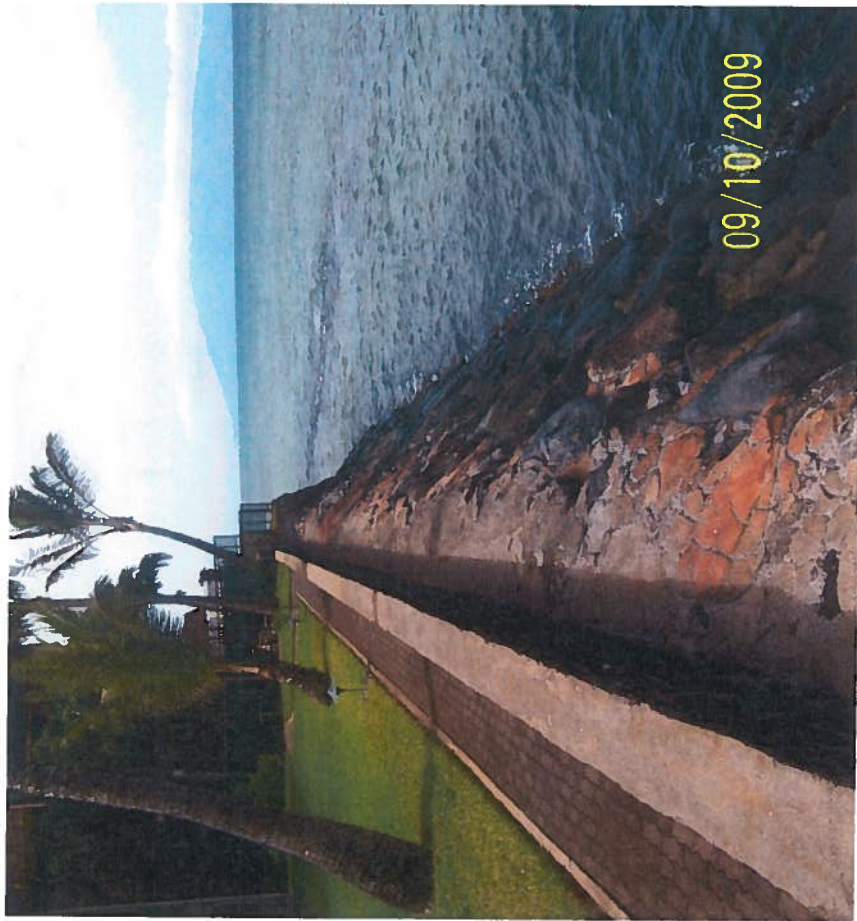


Photo of seawall looking from north to south.

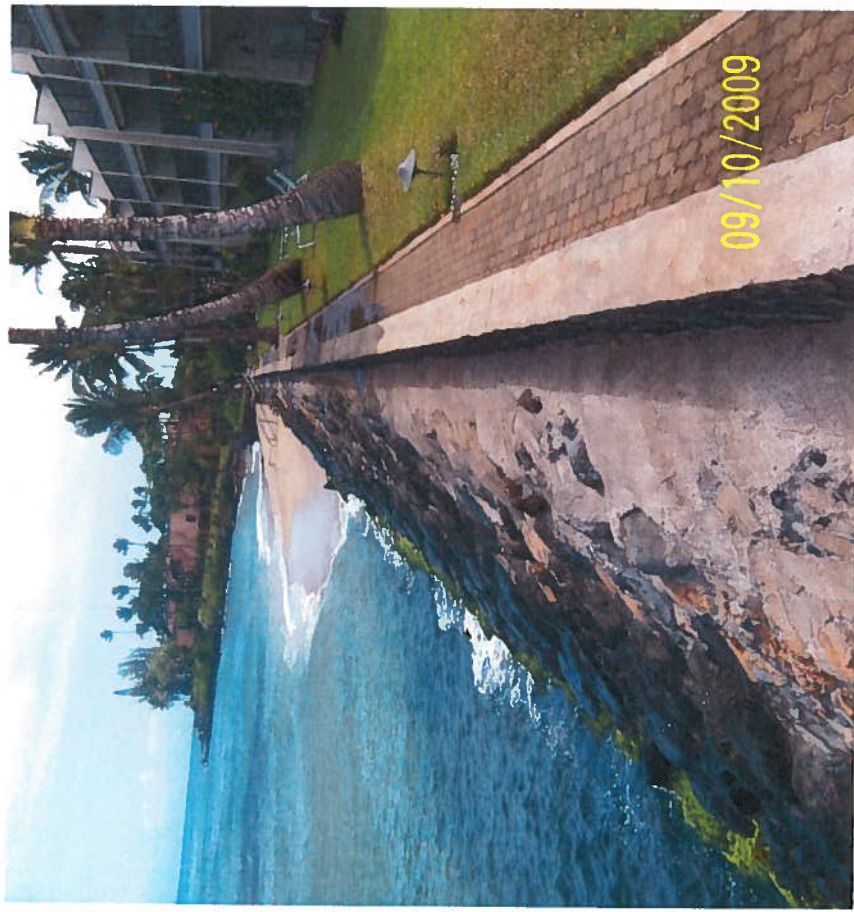


Photo of seawall looking from south to north.

Exhibit B